

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner, by Robert W. Awalt, Jr., Vice President, appeared, testified and was represented by Counsel, Newton A. Williams, Esquire. Also appearing on behalf of the Petition were William K. Lawrence, Contract Purchaser; Christine Stengel; and Patricia Collier. The following persons appeared as Protestants: Katherine W. Harp, Joan B. Brandau, Catherine E. Brenner, Eileen Dahlke, Thelma Haynes, Mr. & Mrs. H. W. Smith, and Mr. Frank Mannonne.

Testimony indicated that the subject property, known as 1133 Baker Avenue, is zoned D.R. 5.5 and is improved with a three-story frame dwelling. Ms. Stengel testified that she lived in the second floor apartment of the subject dwelling from 1940 to 1943. She indicated that at that time, there were four apartments on the property, two on the first floor, one on the second floor, and a third floor apartment. She further testified that she has lived in the vicinity since moving from the subject property and that to the best of her knowledge, when she has walked or driven past the subject property, it has remained four apartments.

The Petitioner, through its Counsel, introduced as Petitioner's Exhibit 4B, an affidavit of Samuel L. Anderson, a former owner of the property, wherein Mr. Anderson states that the subject property has been used as a four apartment dwelling since July 1941.

The Protestants, by their spokespersons Katherine M. Harp and Joan Brandau, indicated that they do not contest nor have any evidence that the dwelling was not used as a four apartment building prior to 1945 nor that its use has not been continuous and without interruption. The Protestants main concerns were as to the condition of the property in the past few years and there being inadequate parking to support its use. There was further testimony and discussion between the Protestants and Mr. Lawrence concerning his plans for the property. However, since all parties were in agreement that such discussion and testimony was irrelevant to the special hearing, said testimony and discussion will not be recanted herein.

The Petitioner seeks relief from Section 104.1, pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.).

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, it appears that the relief requested in the special hearing should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 17th day of July 1988 that the Petition for Special Hearing to approve the nonconforming use of the subject property as a four apartment dwelling be and is hereby GRANTED from and after the date of this order.

Ann M. Nastarowicz
ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:b 18

J. Robert Haines
Young Commissioner

July 21, 1988

Newton A. Williams, Esquire
Nolan, Plumbhoff & Williams
Suite 1105 - Hampton Plaza
300 E. Joppa Road
Towson, Maryland 21204

RE: PETITION FOR SPECIAL HEARING
SE/S Baker Avenue, 65' SW of Carroll Street
(113) Baker Avenue)
1st Election District; 1st Councilmanic District
Little Patuxent Properties, Inc.- Petitioner
Case No. 88-528-SPH

Dear Mr. Williams:

Enclosed please find the decision rendered on the above-referenced case. The Petition for Special Hearing has been granted in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 494-3391.

Very truly yours,

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:bjs
Enclosure
cc: Ms. Katherine W. Harp
1131 Baker Avenue, 21207

Ms. Joan B. Brandau
1130 Baker Avenue, 21207

Mr. William K. Lawrence
101 Arbutus Avenue, 21228

People's Counsel

May 12, 1968

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Special Hearing
CASE NUMBER: 88-528-SP4
SES Baker Avenue, 65' SW of Carroll Street
(1133 Baker Avenue)
1st Election District - 1st Councilmanic
Petitioner(s): Little Patient Properties, Inc.
HEARING SCHEDULED: FRIDAY, JULY 8, 1988 at 9:00 a.m.

Special Hearings: A non-conforming use as a four apartment dwelling.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County
cc: Little Patuxent Properties, Inc.
Newton A. Williams, Esq.
File

DESCRIPTION FOR SPECIAL HEARING

Located on the south side of Baker Avenue approximately 65' southwest of Carroll Street and known as lots 22, 23 and 24 as shown on Plat 4 of Catonsville Manor which is recorded in the Land Records of Baltimore County in Book 6, page 160. Also known as 1133 Baker Avenue.

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

88-528-SPH

Date of Posting: June 16-1988

District: 1st

Posted for: Special Hearing

Petitioner: Little Student Corporation, Inc.

Location of property: Side of Baker Ave. 62' SW of Cornell St.
(1133 Baker Ave.)

Location of Signs: East front of 1133 Baker Ave.

Remarks: _____

Posted by: J. D. Roth Date of return: June 17-1988
Signature

Number of Signs: 1

PETITION FOR SPECIAL HEARING
TO THE ZONING COMMISSIONER OF BALTIMORE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: *88-528-SPH*

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve -----

----- a non-conforming use as a four-apartment dwelling. -----

Property is to be posted and advertised as prescribed by Zoning Regulations

I, or we, agree to pay expenses of the above Special Hearing advertising, posting, etc., upon filing of this Petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I We do solemnly declare and affirm, under the penalties of perjury, that I we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: _____
(Type or Print Name)

Signature _____

Address _____
City and State _____

Legal Owner(s): _____
Little Detuxent Properties, Inc. _____
(Type or Print Name)
Robert McConell, Jr. _____
Signature

(Type or Print Name)

MAP	1
	2
INC.	11
DATE	11
100	11
1000	11
DP	

Journey for Petitioner: Newton A. Williams

Name: Newton A. Williams, Chtd.

Type or Print Name: _____

Signature: Newton A. Williams

Address: Suite 1105 - Hampton Plaza

D. E. Joppa Road

City and State: Maryland 21204

Journey's Telephone No.: 823-7800

Signature: _____

Date: 5-7-58

Time: 3:31

9051 Baltimore National Pike

Elliott City, MD. 21041

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

Newton A. Williams

Name Suite 1105 - Hampton Plaza

300 E. Joppa Rd., Towson, Md. 21204

Address: _____

Phone No.: _____

ORDERED By The Zoning Commissioner of Baltimore County, this 13th day of April, 1958, that the subject matter of this petition be advertised, as provided for the Zoning Law of Baltimore County in two newspapers of general circulation throughout Baltimore County, Maryland, on the following dates:

1. April 14, 1958 at 7 o'clock

2. April 15, 1958 at 7 o'clock

3. April 16, 1958 at 7 o'clock

4. April 17, 1958 at 7 o'clock

5. April 18, 1958 at 7 o'clock

6. April 19, 1958 at 7 o'clock

7. April 20, 1958 at 7 o'clock

8. April 21, 1958 at 7 o'clock

9. April 22, 1958 at 7 o'clock

10. April 23, 1958 at 7 o'clock

11. April 24, 1958 at 7 o'clock

12. April 25, 1958 at 7 o'clock

13. April 26, 1958 at 7 o'clock

14. April 27, 1958 at 7 o'clock

15. April 28, 1958 at 7 o'clock

16. April 29, 1958 at 7 o'clock

17. April 30, 1958 at 7 o'clock

18. May 1, 1958 at 7 o'clock

19. May 2, 1958 at 7 o'clock

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21. May 4, 1958 at 7 o'clock

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113. August 4, 1958 at 7 o'clock

114. August 5, 1958 at 7 o'clock

115. August 6, 1958 at 7 o'clock

116. August 7, 1958 at 7 o'clock

117. August 8, 1958 at 7 o'clock

118. August 9, 1958 at 7 o'clock

119. August 10, 1958 at 7

_____, 1988, at 9 o'clock

 ACCOUNT _____

 AMOUNT \$ _____

 Commissioner of Baltimore County.

10-10-68 238

U.S. DEPARTMENT OF JUSTICE

OFFICE OF THE ATTORNEY GENERAL

WASHINGTON, D.C. 20530

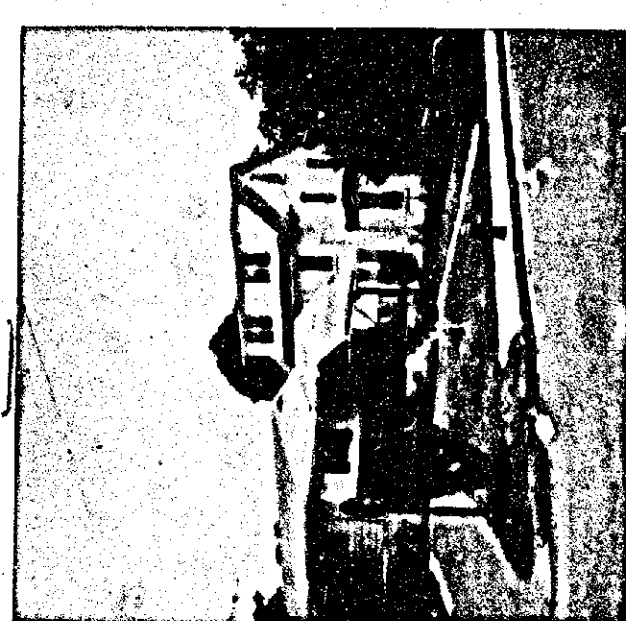
VALIDATION OR SIGNATURE OF CASEWORKER

[illegible]



D. Looking West on
Baker, property on
left.

PETITIONER'S EXHIBIT 2



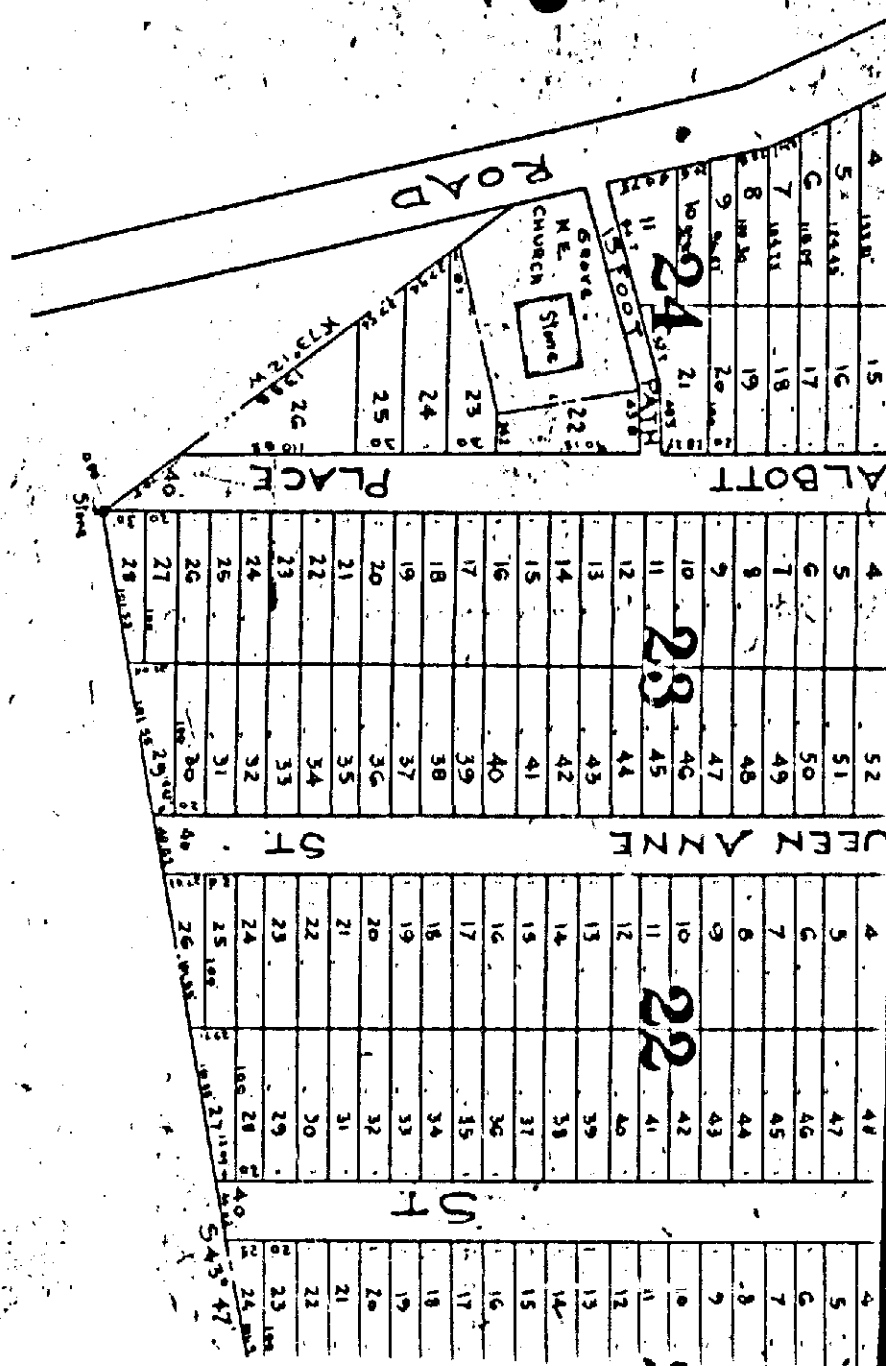
C. Looking SW from
corner at 1133 and
subject property 1133
Baker Ave.

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
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PETITIONER'S
EXHIBIT 3

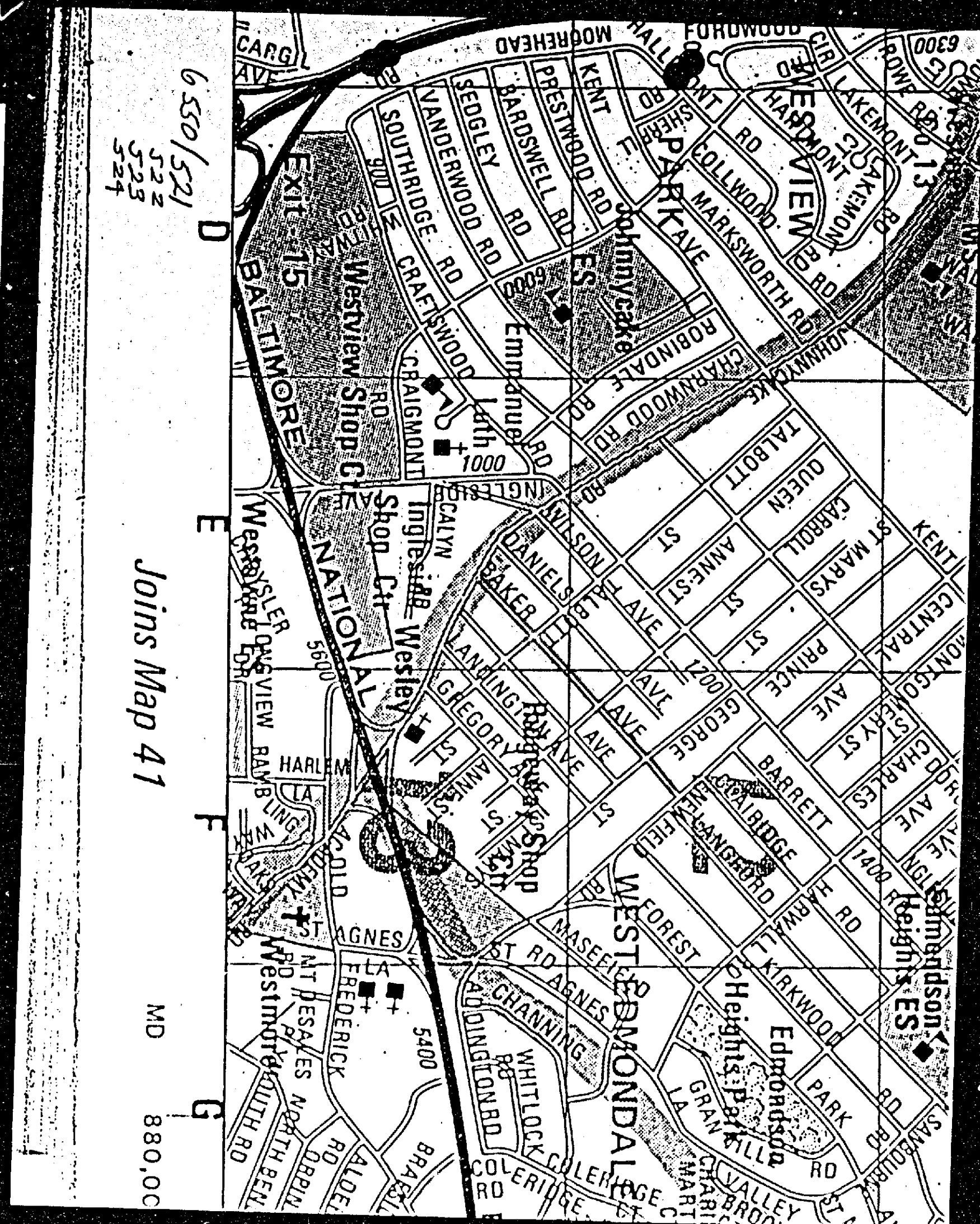
16 records on map
and record of title
survey is correct and
true copy dated 10/22/1918
from the 1914-1918
records of the
Baltimore City
Records Office.

PLAT No 4 CATONVILLE MANOR BALTIMORE COUNTY-MARYLAND SURVEYED & Laid out BY J. SPENCE HOWARD CIVIL & CONSULTING ENGINEER - BALTIMORE, MD. SCALE: 1"=100' AUGUST 1918.



W.P.C. No 6 - 160

Plat accompanying Mortgage
the 9th of February 1918
Relist in office of
Filed for Record
November 1st 1918.
Wm. S. Cole, Clerk



AFFIDAVIT
The undersigned hereby affirms and swears that the person
to the Commission of Baltimore County, Maryland.

That the information herein given is true and correct and
knowledge of the affiant and affiant is complete and correct
therein in the event that a public hearing is held on the
future with regard thereto.

Christine Y. Stengel

I have personal knowledge that the home located at
1133 BAKER AVE., BALTIMORE, MD. 21221 has been used as a Four
apartment dwelling since November, 1940. I have
personal knowledge that all apartments within the dwelling have
been utilized as such continuously and uninterruptedly since
November, 1940.
This personal knowledge is based upon HAVING RESIDED IN
APARTMENT THERE FOR THREE YEARS.

STATE OF MARYLAND, COUNTY OF BALTIMORE, to-wit:
I HEREBY CERTIFY, this 13th day of Jan., 1941, before me,
a Notary Public of the State of Maryland, in and for the County
aforesaid, personally appeared CHRISTINE Y. STENGEL,
known to me as such affiant, and being duly sworn, she depose and
testify that the facts and circumstances herein stated are true and
correct to the best of her knowledge and belief.

AS WITNESS my hand and Notarial Seal

M. William
PETITIONER'S
EXHIBIT 4A

AFFIDAVIT
The undersigned hereby affirms and swears that the person
to the Commission of Baltimore County, Maryland.

That the information herein given is true and correct and
knowledge of the affiant and affiant is complete and correct
therein in the event that a public hearing is held on the
future with regard thereto.

Samuel S. Anderson

I have personal knowledge that the home located at
1133 BAKER AVE., BALTIMORE, MD. 21221 has been used as a Four
apartment dwelling since JULY, 1941. I have
personal knowledge that all apartments within the dwelling have
been utilized as such continuously and uninterruptedly since
JULY, 1941.
This personal knowledge is based upon HAVING OWNED THE
PROPERTY.

STATE OF MARYLAND, COUNTY OF BALTIMORE, to-wit:
I HEREBY CERTIFY, this 13th day of Jan., 1941, before me,
a Notary Public of the State of Maryland, in and for the County
aforesaid, personally appeared SAMUEL S. ANDERSON,
known to me as such affiant, and being duly sworn, he depose and
testify that the facts and circumstances herein stated are true and
correct to the best of his knowledge and belief.

AS WITNESS my hand and Notarial Seal

M. William
PETITIONER'S
EXHIBIT 4B